

how can the “new victims” be assured of receiving the protection and assistance they need? The views of Professor Bettati, who generalizes the concept of intervention by applying it to any number of cases (“subtractive intervention”, “deterrent intervention”, “preventive anti-drugs intervention”) and thereby only generates confusion, are in this case of little use. Even if it has some shortcomings (due less to its formulation than to States’ unwillingness to comply fully with its provisions), “traditional” international humanitarian law seems better able to meet the need for humane relations among people than do the falsely novel proposals made by Professor Bettati. It is therefore in support of that law that I should like to reiterate the judicious phrase used by René Cassin in 1947, which the author quotes at the beginning of his work: “In any case, humanity’s right to supervise the relations between the State and the individual must be affirmed”.<sup>1</sup> Such a requirement, which is inherent in international human rights law, is also applicable in the case of international humanitarian law.

*Jean-Luc Blondel*  
 Head, Division for Policy  
 and Cooperation within the Movement  
 ICRC

**Tathiana Flores Acuña, *The United Nations Mission in El Salvador: A humanitarian law perspective*, Nijhoff Law Specials, Vol. 14, Kluwer Law International, The Hague/London/Boston, 1995, 253 pp.**

The value of this book lies both in the topicality of its subject and in its innovative approach to the study of international humanitarian law. Based on the author’s Ph.D. thesis, it draws a number of lessons from the conflict in El Salvador, a case that is of particular importance in that field of law since it was the first internal conflict in which 1977 Additional Protocol II supplementary to Article 3 common to the 1949 Geneva Conventions was applied.

Tathiana Flores Acuña sought to examine the activities of the United Nations Observer Mission in El Salvador (ONUSAL) in terms of the

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<sup>1</sup> ICRC translation.

implementation of international humanitarian law. As the UN's first attempt to mediate the settlement of a non-international armed conflict, this mission played a substantial role in reducing the incidence of human rights violations and breaches of that law.

The deployment of ONUSAL throughout the territory of El Salvador, and the broad powers that were conferred on it, helped attenuate the consequences of the conflict and, to a certain extent, eased the suffering of its many victims; at the same time, the political activities which ONUSAL engaged in as a mediator between the two parties paved the way for the signing of the peace agreement.

Owing to the highly political nature of its mandate, ONUSAL frequently encountered difficulties in seeking to fulfil it; nevertheless, such difficulties were offset by the "human factor", the will to conclude an agreement shown by both parties to the conflict and the determination and ability of the people involved in the process, who played a decisive role in ensuring that the UN force was set up and the peace agreement negotiated.

The preliminary agreement concluded between the parties to the conflict in San José granted ONUSAL very broad powers to monitor the implementation of international humanitarian law. However, ONUSAL made limited use of these powers, and the ICRC continued to carry out its humanitarian work for civilians as long as the conflict lasted. It was with the consent of this organization, and thanks to its experience, that ONUSAL gradually took over such tasks. ONUSAL might have been able to act with less restraint had it not been for its specific nature and limitations as a UN body.

According to the author, the sphere in which ONUSAL achieved the greatest degree of success was the administration of justice: particular efforts were made to ensure that judicial guarantees were respected during criminal procedures and to reorganize the judicial system as a whole. In other areas, however, ONUSAL could have played a broader role.

In drawing the lessons from this case study, Tathiana Flores Acuña makes a number of observations and offers some proposals for action. She also stresses the fundamental role played by ONUSAL in putting an end to the conflict in El Salvador and the importance of respect for international humanitarian law as a factor for peace.

Annexed to the study are the three ONUSAL reports, which provide readers with a valuable reference source.

In conclusion, this book deserves a place on the bookshelves of all those who are interested in international humanitarian law, especially students of the law applicable to non-international armed conflicts.

*Maria Teresa Dutli*  
ICRC Legal Division

**International Institute of Humanitarian Law (Louise Doswald-Beck, ed.), *San Remo Manual on International Law Applicable to Armed Conflicts at Sea*, Grotius Publications, Cambridge University Press, Cambridge, 1995, 257 pp.**

This *Manual* was prepared by international lawyers and naval experts convened by the International Institute of Humanitarian Law between 1987 and 1994. The last restatement of the law of naval warfare was in 1913, namely, the Oxford Manual on the Laws of Naval War Governing the Relations Between Belligerents. Much has, of course, changed since then. Most notably, the 1949 Geneva Conventions, their Additional Protocol I of 1977 and the 1982 United Nations Convention on the Law of the Sea have developed the relevant principles. Rather than prepare a draft treaty, the experts, drawn from a number of countries, set about writing down contemporary law so as to encourage its dissemination and the preparation of naval manuals with a much greater degree of uniformity. Indeed, the 26th International Conference of the Red Cross and Red Crescent (Geneva, 1995) urged States to draw up such manuals and encouraged them "to take into account, whenever possible" the provisions of the *San Remo Manual*.

The *Manual* deals with certain general provisions; regions of operations; basic rules and target discrimination; methods and means of warfare at sea; measures short of attack: interception, visit, search, diversion and capture; and protected persons, medical transports and medical aircraft. It begins by clearly stating, in 183 numbered paragraphs, the principles involved and goes on to devote 188 pages to an explanation of each paragraph.